

INFORMATION SHEET
DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE
WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF
NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: Kansas City District

FILE NUMBER: 200501313

REGULATORY PROJECT MANAGER: Donahue **Date:** 27 July 2005

PROJECT REVIEW/DETERMINATION COMPLETED: In the office Y (Y/N) **Date:** 27 July 2005
 At the project site N (Y/N) **Date:**

PROJECT LOCATION INFORMATION:

State: Missouri

County: Clay

Center coordinates of site by latitude & longitudinal coordinates: Lat: 39-19-31, Long: 94-25-17

Approximate size of site/property (including uplands & in acres): 150 acres

Name of waterway or watershed: Fishing River

SITE CONDITIONS: Primarily upland pasture with gently rolling topography intersected by stream channels.

Type of aquatic resource ¹	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mudflat									
Sandflat									
Wetlands	1								
Slough									
Prairie pothole									
Wet meadow									
Playa lake									
Vernal pool									
Natural pond									
Other water (identify type) Livestock ponds, 5 total	5								

¹Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors ¹ :	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able To Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?			X		
Is or would be used as habitat by other migratory birds that cross state lines?			X		
Is or would be used as habitat for endangered species?				X	
Is used to irrigate crops sold in interstate commerce?		X			

¹Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION:

Preliminary

☐

Or

Approved

☒

OPTIONAL ADDITIONAL INFORMATION SUPPORTING NJD (e.g., discussion may include information reviewed to assess potential navigation or interstate commerce connections - 1 to 3 paragraphs): The 5 ponds existing on the project site are located outside of the primary stream channels. There is no ordinary high water mark indicating a regular hydrologic connection between the pond and the adjacent stream channels on the property. The ponds were reportedly constructed for livestock watering purposes and are located at sites in the uppermost portion of drainage in the local watershed. There is no ordinary high water mark evident either below or above the ponds. The 5 non-jurisdictional waters of the U.S. are identified in a delineation report prepared by Adaptive Ecosystems, dated March 2005 as OW-1 (.386 acre), OW-2 (.155 acre), OW-3 (.064 acre including the associated .014 acre wetland), OW4 (.066 acre), and OW-5 (.168 acre).